

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division**

CRYSTAL VL RIVERS)
)
Plaintiff,)
)
v.) **Civil Action No.: 6-18-cv-061**
)
)
UNITED STATES OF AMERICA, et al.,)
)
Defendants.)

**DEFENDANTS PETER SACKETT'S and SHERRI SACKETT'S MOTION TO STRIKE
AND RESPONSE IN OPPOSITION TO PLAINTIFF'S NOTICE AND DECLARATION**

COME NOW the Defendants, Peter Sackett and Sherri Sackett (collectively "the Defendants"), by counsel, and for their response to the Notice and Declaration of Crystal VL Rivers filed previously herein, they state the following:

1. Local Rule 11(c)(1) provides that the only briefs permitted without leave of court are the brief accompanying the motion, the opponent's responsive brief, and the movant's reply brief, all of which have already been filed previously herein by the parties. [ECF Docs 62, 63, 150, 159.]
2. On December 3, 2019 and without first seeking leave of Court, however, the Plaintiff filed her Notice and Declaration. [ECF Doc. 307].
3. Through this Notice and Declaration, the Plaintiff is attempting to raise new arguments, to assert additional facts and allegations, and essentially to amend her filed Complaint to cover items that she had failed to previously address. Thus, the Plaintiff's Notice and Declaration is an improper attempt by the Plaintiff to bolster her already convoluted and wholly insufficient claims that she has asserted against the Defendants in her Complaint.
4. Consequently, the filing of the Plaintiff's aforesaid Notice and Declaration is not permitted under the applicable Rules, and thus it should be struck.

WHEREFORE, the Defendants Peter Sackett and Sherri Sackett respectfully request that the Court grant their motion, that the Court strike the Notice and Declaration of Crystal VL Rivers, and that the Court grant the Defendants such other and further relief as the Court deems necessary and appropriate.

Respectfully submitted,
PETER SACKETT and
SHERRI SACKETT

By: /s/ Kathryn A. Poe
Counsel

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Counsel for Defendants Peter and Sherri Sackett

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2019, I electronically filed the foregoing using the CM/ECF system, which will send notification of such filing to all registered ECF users. I have also served the foregoing by first class United States Mail, postage prepaid, on the following *pro se* plaintiff at the following address:

Crystal VL Rivers
P.O. Box 1182
Forest, VA 24551
Plaintiff Pro Se

/s/ Kathryn Poe